

REMARKS

Claims 1-4 are pending in the application. The Examiner has rejected Claims 1-4. For the below-mentioned reasons, Applicant believes that claims 1-4 are in condition for allowance, and respectfully requests that claims 1-4 be allowed.

Rejections Under 35 U.S.C. §102

The Examiner has rejected claims 1-4 under 35 U.S.C. §102(b) and (e) as being anticipated by Matsumoto '299. The Examiner states:

5. With respect to claim 1, Matsumoto teaches an original data content comprising a data object (see e.g. lines 9-10 of column 3); an edited data content comprising the data object and an editing scenario describing editing details of the data object (see, e.g., lines 17-19 of column 3); a data content dealing system comprising data content dealing center (the mail server, element 20 of Fig. 1A), a database (inherent in the data base within the mail server), wherein the data content dealing management center further comprises a key management center, a data content dealing management center, and an editing scenario dealing management center (all inherently being the mail server). With respect to the further recitations in claim 1, the limitations recite step elements, which step elements are functional recitations that do not provide structural limitations on the limitations already recited in the system claim.

With respect to claim 2, the mail center in Matsumoto stores a data containing an editing scenario comprising the editing scenario data base.

With respect to claim 3, the further limitation recites a step element, which step element is a functional recitation that does not provide structural limitations on the limitations already recited in this system claim.

With respect to claim 4, please see the analysis of claim 1, which analysis applies other than replacing editing scenario market management center (in claim 4) for editing scenario dealing management center (in

claim 1).

Because it is unclear whether elements of the claims, as interpreted, have priority to the parents of the new matter introduced to form this CIP application, this rejection is presented as either 102(b) or 102(e).

Double Patenting Rejections

The Examiner has rejected claims 1-4 under the judicially created doctrine of double patenting. The Examiner states:

7. Claims 1-4 are provisionally rejected under the judicially created doctrine of obvious-type double patenting over claims of copending parent application Serial No. 08/882,909 (which is a continuation of 08/549,270, now abandoned) and copending parent application serial no. 08/536,747). Although the conflicting claims are not identical, they are not patentably distinct from each other because claims of said copending parent applications anticipate a data management center comprising a data center and a key center.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

8. Claims 1-4 are rejected under the judicially created doctrine of double patenting over claims of copending parent application Serial No. 08/733,504 and parent U.S. Pat. No. 5,646,999, since the claims, if allowed, would improperly extend the "right to exclude" to be granted if the parents are allowed.

The subject matter claimed in the instant application is fully disclosed in said parent application and parent patent and is covered by them since they and this application are claiming common subject matter.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application to be prosecuted under said parent application and parent patent. See M.P.E.P. §804.

Examiner's Suggestion

As indicated by the Examiner in his rejection of claims 1-4 under 35 U.S.C. §102, the Examiner did not consider the functional limitations that were presented because the claims were written in the form of system claims and the functional limitations did not add any additional structure. The Examiner suggests that the claims be converted to method claims or the functional limitations be re-written in means plus function form. The Examiner states:

9. To insure proper consideration of recited functional language as limiting the claimed invention, Examiner suggests either (1) that the system claims be converted to method claims or (2) that means for language be used in the system claims (for example recite "means for generating a secret key, means for storing said secret key, and means for transferring of said secret key, said three immediately preceding means in said key management center" instead of the text in lines 16-17 in 69, which lines recite part of claim 1).

Applicant's Response

Applicant thanks the Examiner for his suggestion, and, as suggested, has converted the claims to method claims. Claims 1-4, as amended, now comprise method claims that properly recite the functional limitations not previously considered by the Examiner. Thus independent claim 1, as amended, now includes the method steps of:

said data content dealing management center advertising and selling said data content stored in said database;
said editing scenario dealing management center advertising and selling said editing scenario;
said first user creating said edited data content by utilizing said original data content stored in said database, encrypting an editing scenario of said edited data content by a secret-key which is to be

deposited in said database, and depositing said secret-key to said key management center;

transferring said encrypted editing scenario and said secret-key to the second user who wishes to utilize said edited data content;

said second user decrypting said encrypted editing scenario by said secret-key and re-constituting said edited data content according to said decrypted editing scenario.

Further, independent claim 4, as amended, recites the following method steps:

 said data content dealing management center advertising and selling said original data content stored in said database;

 said editing scenario market management center advertising and auctioning said editing scenario;

 said data content editor producing the edited data content by utilizing said original data content stored in said database, encrypting the editing scenario of said edited data content by a secret-key of said data content editor, depositing said encrypted editing scenario of said edited data content to said database and depositing said secret-key with said key management center;

 auctioning said utilization right of said editing scenario to said editing scenario seller who wishes to sell said utilization right of said editing scenario;

 said editing scenario seller transferring a secret-key for said editing scenario to said key management center;

 said editing scenario market management center changing said secret-key for said editing scenario from the secret-key of said data content editor to the secret-key of said editing scenario seller.

These method steps are not taught or suggested by the prior art patent cited by the Examiner for the Examiner's 35 U.S.C. §102 rejections, or by the parent patent and patent applications cited by the Examiner for his double patenting rejections. Because these functional limitations now form a proper part of the claims, Applicant respectfully submits that the claims, as amended, are patentably distinct from the prior art of record and the parent patent applications and parent patent cited by the Examiner, and respectfully requests that claims 1-4, as

amended, be allowed.

Matsumoto

Matsumoto discloses an electronic document processing system in which users who change the content of a received electronic document affix their digital signature to the changed document to inform a subsequent recipient that the first user has made changes. The Examiner states that the mail center of Matsumoto inherently includes the data content dealing management center and the editing scenario dealing management center referred to in independent claims 1 and 4. However, Applicant does not believe that the mail center of Matsumoto includes these elements. Matsumoto does not teach that a data content dealing management center within the mail center advertises and sells data content stored in a database, or that a editing scenario dealing management center within the mail center advertises and sells (advertises and auctions in the case of claim 4) editing scenarios, as claimed in claims 1 and 4, as amended.

Further, Matsumoto also does not teach that a user encrypts an editing scenario of edited data using the secret key (i.e. a common key that is used for both encrypting and decrypting) of the user and that the user then deposits the user's secret key (common key) with the key management center. Matsumoto teaches that the first user creates a digital signature for an edited electronic document using the user's private key (of a public/private key pair). However, the user does not then deposit that private key with a key management center. It is well known that a digital signature is not encrypted/decrypted using the secret key (common key) of the user but that it is encrypted using a user's private key and is decrypted using the user's public key. See, for example, column 3,

lines 39-42, which state:

The relation between the digital signature and the electronic document is checked whereby signature data is obtained by deciphering each digital signature by the public key of the signatory . . . (emphasis added).

Thus, the method claimed in independent claims 1 and 4, as amended, is not taught or disclosed by Matsumoto.

Patent Application Serial Nos. 08/882,909, 08/733,504, 08/536,747, and U.S. Patent No. 5,649,999

Patent Application Serial Nos. 08/882,909, 08/733,504, 08/536,747, and U.S. Patent No. 5,649,999 (collectively, the "Parent Patents") also do not teach or disclose the invention as claimed in independent claims 1 and 4, as amended. As discussed above with respect to Matsumoto, claims 1 and 4, as amended, include the method steps of:

said data content dealing management center advertising and selling said original data content stored in said database;
said editing scenario market management center advertising and selling (auctioning in the case of claim 4) said editing scenario;

None of the Parent Patents teach or disclose a data content dealing management center that advertises and sells data content stored in a database, or an editing scenario dealing management center that advertises and sells (advertises and auctions in the case of claim 4) editing scenarios, as claimed in independent claims 1 and 4, as amended. Thus, the method claimed in claims 1 and 4, as amended, is not taught or disclosed by the Parent Patents. Accordingly, Applicant respectfully requests the Examiner withdraw his double-patenting

rejections, and that independent claims 1 and 4 be allowed.

Dependent Claims 2-3

Claims 2-3 are dependent on claim 1 and contain all of the limitations of claim 1 as well as additional limitations. For the same reasons discussed above for independent claim 1, as amended, applicant believes that dependent claims 2-3 are also in condition for allowance, and respectfully requests that dependent claims 2-3 be allowed.

CONCLUSION

For the above-mentioned reasons, Applicant believes that pending claims 1-4, as amended, are in condition for allowance, and respectfully requests that claims 1-4, as amended, be allowed.

Respectfully submitted,
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